

THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA

Plaintiff,

vs.

1.45 ACRES OF LAND, MORE OR LESS,

SITUATE IN SAN DIEGO COUNTY, STATE OF

CALIFORNIA; AND AER CORPORATION, ET AL.,

Defendants.

CLERK, U.S. DISTRICT COURT
DECLARATION OF TAKING, CALIFORNIA

BY: (9)

DEPUTY

CIVIL NO. 08 CV 0275 WQH RBB

I, Robert Janson, Acting Executive Director, Asset Management, Department of Homeland Security, U.S. Customs and Border Protection, under the authority delegated to me by the Act of Congress approved November 25, 2002, as Public Law 107-296, 116 Stat. 2311 and codified at 6 U.S.C. Sections 202, 251, 551, and 557, which transferred certain authorities of the Attorney General to the Secretary of Homeland Security; and by DHS Delegation No. 7010.3(II)(B), which delegated land acquisition authority from the Secretary of Homeland Security to the Commissioner of U.S. Customs and Border Protection; and by CBP Delegation 05-006, which delegated land acquisition authority to the Executive Director of Asset Management, do hereby make the following declaration:

1. The property is hereby taken under and in accordance with the authorities set forth in Schedule "A" attached hereto and made a part hereof.

1 2. The public purpose for which said property is taken is set forth
2 in Schedule "B" attached hereto and made a part hereof. The said property
3 has been selected under my direction for acquisition by the United States
4 for the above-referenced project in San Diego County, State of California.

5 3. A general description of the land being taken is set forth in
6 Schedule "C" attached hereto and made a part hereof.

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8 4. A plan showing the property being taken is shown on Schedule "D"
9 attached hereto and made a part hereof.

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11 5. The estate taken is described on Schedule "E" attached hereto
12 and made a part hereof.

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14 6. The sum estimated by the undersigned as just compensation for
15 the land being taken is set forth in Schedule "F" attached hereto and made a
16 part hereof. The undersigned is of the opinion that the ultimate award for
17 said land probably will be within any limits prescribed by law to be paid
18 therefor.

19 7. The names and addresses of known parties having or claiming an
20 interest in said property are set forth in Schedule "G" attached hereto and
21 made a part hereof.

1 IN WITNESS WHEREOF, the undersigned, Acting Executive Director, Asset
2 Management, Department of Homeland Security, U.S. Customs and Border
3 Protection, hereunto subscribes his name by direction of the Secretary of
4 the Department of Homeland Security, this 26th day of December^{5th}, 2007
5 in the City of Washington, District of Columbia.

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7  _____

8 Robert Janson

9 Acting Executive Director, Asset Management

10 Department of Homeland Security

11 U.S. Customs and Border Protection
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SCHEDULE "A"
AUTHORITY FOR THE TAKING

The property is taken under and in accordance with the Act of Congress approved on February 26, 1931, as 46 Stat. 1421 and codified at 40 U.S.C. Section 3114, and the Act of Congress approved August 1, 1888, as 25 Stat. 357 and codified at 40 U.S.C. Section 3113, and any acts supplementary thereto and amendatory thereof; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, Stat. 3009-546, 3009-554, as amended and codified at 8 U.S.C. Section 1103(b) & note; and the Act of Congress approved October 4, 2006, as Public Law 109-295, Title II, 120 Stat. 1355, which appropriated the funds which shall be used for the taking.

SCHEDULE "B"
PUBLIC PURPOSE

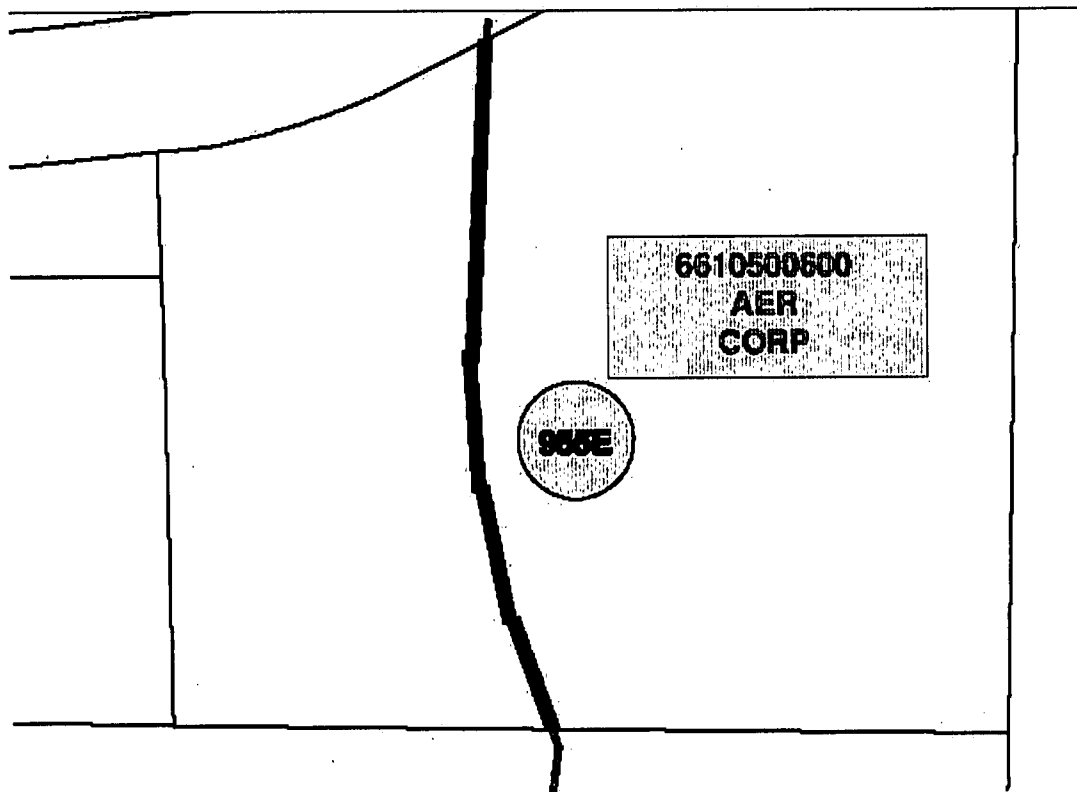
The public purpose for which said property is taken is to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, and related structures designed to help secure the United States/Mexico border within the State of California.

SCHEDULE "C"
LEGAL DESCRIPTION

A portion of the tract of land currently used as a right of way and identified on the attached Schedule "D", situate in Section 1, Township 18S, Range 8E, San Bernardino Principle Meridian, County of San Diego, State of California; the entire tract is also known as Assessors Parcel Number 6610500600, San Diego County, California.

Containing 1.45 acres, more or less, for the portion taken.

SCHEDULE "D"



A portion of the tract of land currently used as a right of way situate in Section 1, Township 18S, Range 8E, San Bernardino Principle Meridian, County of San Diego, State of California; the entire tract is also known as Assessors Parcel Number 6610500600, San Diego County, California.

Containing 1.45 acres, more or less, for the portion taken.

- PROPOSED TAKING (Acquisition)

SCHEDULE "E"
ESTATE TAKEN

The estate taken is a temporary, assignable easement beginning on the date possession is granted to the United States and ending 180 days later, consisting of the right of the United States, its agents, contractors, and assigns to enter in, on, over and across the land described in Schedule "C" to survey, make borings, and conduct other investigatory work for the purposes described in Schedule "B" and to access adjacent lands; including the right to trim or remove any vegetative or structural obstacles that interfere with said work; reserving to the landowners, their successors and assigns all right, title, and privileges as may be used and enjoyed without interfering with or abridging the rights hereby acquired; subject to minerals and rights appurtenant thereto, and to existing easements for public roads and highways, public utilities, railroads and pipelines.

SCHEDULE "F"
ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the land being taken is ONE HUNDRED DOLLARS AND NO/100 (\$100.00), to be deposited herewith in the registry of said Court for the use and benefit of the persons entitled thereto; and, an additional sum determined at the conclusion of the temporary estate described in Schedule "E" to constitute actual damages, if any.

SCHEDULE "G"

NAMES AND ADDRESSES OF PURPORTED OWNERS:

AER Corporation
C/O James Wagoner
P. O. Box 1069
Los Alamitos, CA 90720